

Phil Gramm
Texas

MM 00-39 ORIGINAL
EX PARTE OR LATE FILED
United States Senate

MEMORANDUM

6-29-01

MMB
DTV
2195

Federal Communications Commission
Congressional Liaison
1919 M Street, NW
Washington, D.C. 20554
AUG - 3 2001

RECEIVED

A constituent has sent the enclosed communication. A response which addresses his/her concerns would be appreciated.

Please send your response to the following address:

Office of Senator Phil Gramm
2323 Bryan Street, #2150
Dallas, Texas 75201

Attention: Michael FitzGerald
(214) 767-3025
(214) 767-8754 (fax)

EMAIL:michael_fitzgerald@gramm.senate.gov

10. 11 51 5 706

No. of Copies rec'd 071
LWA BODE

Michael Griffin
517 Tish Circle #2103
Arlington, TX 76006

June 26, 2001

JUN 27 2001

The Honorable Phil Gramm
2323 Bryan Street, Suite 2150
Dallas, TX 75201

RE: Support for Modification of the DTV Build-out Deadline of May 1, 2002, and the Early Return of the Digital Channel Allowing for a Prompt Auction

Dear Senator Gramm:

Regarding the offer to give TBN a second channel, please take back the second channel and auction it off. Let us keep our regular TV stations on the air. When 85% of homes in the U.S.A. have digital TV, TBN will switch over.

I am a supporter of the Trinity Broadcasting Network (TBN) and all smaller market and independent television stations around the country who, by government mandate, must build a digital channel by May 1, 2002. The government's plan simply does not provide sufficient time for such an undertaking, and is unfair to stations like TBN which are publicly supported and need a longer time to plan for the enormous expense of building and operating another channel.

At present, fewer than 200 of the more than 1600 television stations in the nation have built digital channels, and most of those are in the major television markets. Stations in the smaller markets simply need more time to complete their build-out. Also, there are very few viewers who have digital tuners that can receive this service, so Congress should not punish the independent stations by obligating them to spend the millions of dollars required to build and operate a digital station when no one is watching.

To accommodate the smaller market and independent stations, I am asking you to support giving those smaller stations an option of returning their digital channel now, which would allow for an early auction of the retrieved frequency by the government. Electing stations would then be relieved of the May 1, 2002 build-out deadline, and allowed to convert to a digital operation by the December 31, 2006 transition deadline for all analog stations.

I hope you will act to help in this important matter. I would appreciate a response.

Respectfully,

Michael Griffin



Federal Communications Commission
Washington, D.C. 20554

JUL 23 2001

The Honorable Phil Gramm
United States Senator
2323 Bryan Street, #2150
Dallas, TX 75201

Dear Senator Gramm:

Thank you for forwarding the recent letter from your constituent, Michael Griffin, regarding the transition to digital television (DTV). He expresses concern with the impact that the transition to DTV will have on smaller market and independent TV stations and suggests that we allow these stations the option of returning their digital channel now and delaying their conversion from analog to digital operation until the 2006 DTV transition deadline.

In establishing service rules for the DTV transition, the Commission expressly rejected requests that it allow smaller market and noncommercial stations to make an immediate transition to digital television at the end of the transition, eliminating the need to construct and operate a second facility during the transition. While sensitive to the economic challenges facing small market broadcasters and the funding problems facing noncommercial stations, the Commission rejected this approach as undermining its DTV simulcasting policy, which was premised on broadcasters operating an NTSC and a DTV station until the end of the transition. The Commission noted, however, that it could revisit this conclusion during any of its DTV periodic reviews.

There is a process stations may use to seek an extension of the DTV construction deadline. In the *Fifth Report and Order* with respect to DTV, the Commission noted that it will grant an extension of the construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the licensee's control if the licensee has taken all reasonable steps to resolve the problem expeditiously. Such circumstances include, but are not limited to, the inability to construct and place in operation a facility necessary for transmitting DTV, such as a tower, because of delays in obtaining zoning or FAA approvals, or similar constraints, or lack of equipment necessary to transmit a DTV signal. The Commission stated that it did not anticipate that the circumstance of "lack of equipment" would include the cost of such equipment. The Commission delegated authority to the Mass Media Bureau to grant two such six-month extensions of time, after which extension requests will be referred to the Commission.

We are currently considering petitions for reconsideration of the *Report and Order* in our first DTV periodic review proceeding. Some of these petitions have asked that we extend the applicable construction deadlines for stations in smaller markets, citing costs and hardship, and those petitions are pending.

We will include your constituent's letter in the record of the DTV periodic review proceedings and consider all views carefully. I hope this is responsive to your concerns.

Sincerely,



Roy J. Stewart
Chief, Mass Media Bureau